

City of Marco Island Florida

*51 Bald Eagle Drive
Marco Island, Florida
cityofmarcoisland.com*



Meeting Minutes - Draft

Monday, June 21, 2021

5:30 PM

Community Meeting Room

City Council

*Chair: Jared Grifoni
Vice-Chair: Greg Folley*

*City Council: Claire Babrowski,
Rich Blonna, Erik Brechnitz,
Becky Irwin, Joe Rola*

*City Manager: Mike McNees
City Attorney: Alan L. Gabriel
City Clerk: Laura Litzan*

1. Call to Order

Chair Grifoni called the meeting to order at 5:30 P.M.

2. Roll Call

Present: 7 - Councilor Blonna, Councilor Irwin, Councilor Brechnitz, Vice-Chair Folley, Councilor Rola, Councilor Babrowski and Chair Grifoni

Also Present

*Michael McNees, City Manager
Casey Lucius, Assistant to the City Manager
Laura Litzan, City Clerk
Alan L. Gabriel, City Attorney
Tracy Frazzano, Police Chief
Chris Byrne, Fire Chief
Dave Batiato, Deputy Fire Chief
Guillermo Polanco, Finance Director
Daniel J. Smith, Community Affairs Director
Tim Pinter, Public Works Director
Jose Duran, Information Technology Director
Miguel Carballo, Fleet & Facilities Manager
Lina Upham, Purchasing & Risk Manager
Martin Luna, Video/Broadcast Technician
Jim Kornas, Recording Specialist
Citizens and Visitors*

3. Invocation

Offered by Reverend Casey Nowlin of First Baptist - The Family Church

4. Pledge of Allegiance

Led by Chair Grifoni.

5. Approval of the Agenda

MOTION by Councilor Blonna, seconded by Councilor Irwin, that the Agenda be Approved. MOTION CARRIED BY THE FOLLOWING VOICE VOTE:

Yes: 7 - Councilor Blonna, Councilor Irwin, Councilor Brechnitz, Vice-Chair Folley, Councilor Rola, Councilor Babrowski and Chair Grifoni

6. Approval of the Minutes

[ID 20-1234](#) Approval of the City Council Meeting Minutes of June 7, 2021

MOTION by Vice-Chair Folley, seconded by Councilor Blonna, that the Minutes of June 7, 2021 be Approved. MOTION CARRIED BY THE FOLLOWING VOICE VOTE:

Yes: 7 - Councilor Blonna, Councilor Irwin, Councilor Brechnitz, Vice-Chair Folley, Councilor Rola, Councilor Babrowski and Chair Grifoni

7. Approval of Consent Agenda

No items were placed on the Consent Agenda for this meeting.

8. Proclamations and Presentations

- a. [ID 21-1616](#) Community Foundation of Collier County - \$50,000 Donation for Trees at Veterans' Community Park

Ms. Eileen Connolly-Keesler, President and CEO of the Community Foundation of Collier County, briefly summarized the Foundation's mission in addressing specific beautification/environmental needs of the County since its recovery from Hurricane Irma in 2017. Citing a generous donation by Mr. & Mrs. Rob Funderburg of Naples, Ms. Connolly-Keesler was pleased to present City Council Chair Jared Grifoni and the City Council a check for \$50,000 to allow for the procurement and planting of trees in support of the City's forthcoming development project at Veterans' Community Park.

- b. [ID 21-1622](#) LCEC Equity Distribution - \$23,977.09 - Tricia Dorn, Key Account Executive

Ms. Tricia Dorn, Key Account Executive with Lee County Electric Cooperative, Inc. (LCEC), shared a brief history of LCEC's Equity Payout Program, and presented Chair Jared Grifoni and the Marco Island City Council with a check in the amount of \$23,977.09 for program year 2021.

9. Citizens' Comments on Agenda Items Not Scheduled for Public Hearing and Items Other Than Those Appearing on the Agenda

Ms. Christiine Dowell (Biscayne Way) referenced her viewing of the Comprehensive Plan discussion at the June Planning Board Meeting regarding maximum allowable building heights for the area zoned as the Marco Town Center. She requested that, when the current revisions to the Comprehensive Plan are advanced from the Planning Board to the City Council for its approval, the City Council reject the proposed 75 foot maximum building height in that zoning district in favor of a height that is less than 75 feet.

Mr. Ed Issler (S. Joy Circle) questioned why the City's Noise Ordinance is being shown as a City Council agenda item for its July meeting when the most recent Council direction to the City Staff was to re-assess the Ordinance at the conclusion of the summer tourist season. In response to Mr. Issler's question, Chair Grifoni explained the City's requirement for the Council to hear and consider two, separate readings of any proposed changes to an Ordinance. The planned First Reading of the Noise Ordinance in July will be followed by a Second Reading that will return to the Council after the summer tourist season.

Mr. Ken Honecker (Dorando Ct.) asked several questions of the Council: 1) the status of the return of the \$1 million impact fee from Collier County to Marco Island for the Mainsail Project that he raised at a previous City Council Meeting; 2) the capability of the electric utility wires under Collier Boulevard to handle the high-capacity voltage and current needs required to support electric vehicle charging stations, and; 3) the number of certified noise meters and the number of trained officers available on each shift who can measure potential noise violations utilizing those meters. At the conclusion of Mr. Honecker's remarks, Chair Grifoni encouraged him to reach out to the City Manager and the Chief of Police for responses to his questions.

Mr. Andy Solis, Collier County Commissioner - District 2, provided a brief report on the County's efforts in devising a new solution to address adult mental health and addiction cases without continuing to rely upon the Collier County Jail as the first stop. Commissioner Solis also introduced Collier County Deputy County Manager Sean Callahan who provided the Council with the timeline for a planned alternative Central Receiving and Support Facility for those individuals identified as Baker or Marchman Act cases.

Both gentlemen indicated a desire to bring a more comprehensive review and discussion of this topic as an agenda item at a future meeting of the City Council.

10. Quasi-Judicial Public Hearing

None.

11. Ordinances

None.

12. Resolutions & City Council Items

- a. [ID 21-1623](#) Fire Station 50 Approval of Guaranteed Maximum Price and Authorization for the City Manager to Execute a Construction Manager at Risk Contract for the Project's Construction Phase

City Fleet & Facilities Manager Miguel Carballo presented a brief recap of the project scope, design elements and funding sources for the Fire Station 50 project. He requested that the Council approve the guaranteed maximum price of \$12,592,673.00 and authorize the City Manager to execute a Construction Manager at Risk contract for the project's construction phase.

Messrs. John Rahan (President), John Begani (Director of Pre-Construction Services) and Bill Bonner (Sr. Project Manager) with Manhattan Construction Company, supported Mr. Carballo's presentation and assisted in addressing questions raised by members of the Council.

Public Comment

Mr. Ken Honecker (Dorando Ct.) noted that the information materials available to the public on the City's website for this project did not include how this project was to be funded. He also questioned the amount of borrowing required, and he conveyed his lack of confidence in the 'Construction Manager at Risk' concept. Mr. Honecker concluded his remarks by questioning how the City's overall debt service to fund this project (along with the Veterans' Community Park Project) can fit within the spending cap as is outlined in the City Charter.

Mr. Ed Issler (S. Joy Circle) expressed his hope that, given the projected cost of this project, the City gains all of the cutting-edge capabilities that it was anticipated to receive when this project was originally conceived.

MOTION by Councilor Brechnitz, seconded by Councilor Irwin, that the Fire Station 50 Guaranteed Maximum Price of \$12,592,673.00 be Approved, and that the City Manager be Authorized to Execute a Construction Manager at Risk Contract with Manhattan Construction Company for the project's construction phase. MOTION CARRIED BY THE FOLLOWING VOTE:

Yes: 7 - Councilor Blonna, Councilor Irwin, Councilor Brechnitz, Vice-Chair Folley, Councilor Rola, Councilor Babrowski and Chair Grifoni

- b. [ID 21-1624](#) Veterans' Community Park Guaranteed Maximum Price and Award of the Construction Manager at Risk Contract for the Construction Phase of the Project

Public Works Director Timothy Pinter outlined the recent progression of cost estimates identified at key milestones of the project plan, and he requested Council Approval for the Guaranteed Maximum Price estimate of \$11,015,244.00.

City Manager McNees augmented Mr. Pinter's presentation with an approach to reduce the amount of

borrowing required to fund this project.

Public Comment

Mr. Ed Issler (S. Joy Circle) reminded the Council of the asbestos abatement effort from the storage of construction debris that was undertaken at the site of this project in the early 2000's. He also expressed his understanding that the existing deed restrictions for the area prohibit any action or activities that may pose a nuisance to the surrounding neighborhoods. Believing that the City is undertaking a significant risk by placing the soon-to-be-constructed bandshell at the location where it is currently planned, he is looking forward to the City's commitment to undertake whatever noise mitigation efforts that might be necessary to ensure that the neighboring home owners are shielded from excessive and/or nuisance noise from the Park once this project is completed.

Mr. Ken Honecker (Dorando Ct.) expressed his belief that the concept of the Guaranteed Maximum Price for this construction project is a "scam". He further expressed his concern that monies that had been accrued under the City's 'Pay As You Go' Program for this capital project may have been reallocated without a super-majority vote of the Council. Mr. Honecker concluded by recalling his experience as a member of the City Council when the asbestos abatement effort was undertaken at this site, and he cautioned the Council on the potential cost of proceeding to construction without fully understanding what occurred.

Ms. Kristin Aiuto (S. Joy Circle) expressed her belief that more neighborhood outreach should have been undertaken by the City in the development of the Veterans' Community Park project plan. Going forward, she looks forward to being included in any forthcoming landscaping and noise mitigation discussions with the City.

Dr. Carlos Portu, (Gumbo Limbo Lane), Chair of the Parks & Recreation Advisory Committee, thanked the Council, the City and the Community for bringing the Veterans' Community Park project to this final level of approval.

MOTION by Councilor Brechnitz, seconded by Councilor Irwin, that the \$11,015,244.00 Guaranteed Maximum Price be Approved, and that the City Manager be Authorized to: 1) execute Amendment No. 1 to the Construction Manager at Risk Service Agreement, and; 2) use \$527,349.75 from the City Reserve Fund in the execution of this project. MOTION CARRIED BY THE FOLLOWING VOTE:

Yes: 7 - Councilor Blonna, Councilor Irwin, Councilor Brechnitz, Vice-Chair Folley, Councilor Rola, Councilor Babrowski and Chair Grifoni

- c.** [ID 21-1626](#) Resolution - Requesting Approval for Continuation to the July 19, 2021 City Council Meeting Conditional Use Permit (CUP-21-000070) to Construct a Recreational Vehicle Garage for Property Located at 1800 Honduras Avenue, Marco Island, FL 34145

MOTION by Vice-Chair Folley, seconded by Councilor Rola, that the Resolution - Requesting Continuation to the July 19, 2021 City Council Meeting of the Conditional Use Permit (CUP-21-000070) to Construct a Recreational Vehicle Garage for the Property Located at 1800 Honduras Avenue, Marco Island, FL 34145, be Approved. MOTION CARRIED BY THE FOLLOWING VOTE:

Yes: 7 - Councilor Blonna, Councilor Irwin, Councilor Brechnitz, Vice-Chair Folley, Councilor Rola, Councilor Babrowski and Chair Grifoni

13. Items Removed from the Consent Agenda

No items were removed from the Consent Agenda at this meeting.

14. Council Communications & Future Agenda

Councilor Blonna complimented his colleagues and the City Staff on the respectful and productive discussions at the earlier Capital Budget Workshop. Councilor Irwin echoed Councilor Blonna's observation.

Councilor Babrowski updated the Council on her discussion with City Manager McNees on the City's legal function, and she indicated that Mr. McNees will be bringing forward some interesting ideas for the Council's consideration when the Council meets for its Operating Budget Workshop on July 19th.

Councilor Babrowski next requested that the Council consider giving the City Attorney direction to seek an alternative, objective legal opinion on the City's latitude in regulating and restricting the operation of short-term vacation rental properties within single-family residential districts. Her discussion raised a great deal of input and conversation from most members of the Council, and City Attorney Alan Gabriel expressed his openness to receiving such direction. (Editorial Note: No Motion in support of providing direction to the City Attorney was brought forward at this meeting of the Council).

Councilor Brechnitz asked for an update on the timing for the water quality testing results and report from Environmental Research & Design, Inc. (Editorial Note: Public Works Director Timothy Pinter responded that the report is anticipated to be presented at the August 16th City Council Meeting).

Chair Grifoni requested that two items be added to the Future Agenda of the Council. He also provided the Council with the result of his negotiation with the City Manager on the establishment of a housing allowance to facilitate the City Manager's ability to secure permanent family housing on the Island.

[ID 20-1237](#) Future Agenda Items

Councilor Irwin requested that a discussion on the possibility of establishing a food forest organic botanical garden on Marco Island be brought forward as a Future Agenda item for the Council.

Chair Grifoni noted a request by Collier County Commissioner Rick LoCastro to address the Council for thirty minutes prior to its regularly-scheduled July 19th, 5:30 P.M. meeting.

Chair Grifoni requested that the City Manager pursue the scheduling of a joint meeting between the Council and the Collier County Board of Commissioners on several topics related to Marco Island's representation and voice in Collier County's allocations of resources and funds to the City and its citizens.

15. Council Reports

None.

16. City Manager's Report

City Manager McNees advised the Council of his impending property closing on a permanent home on Marco Island.

17. City Attorney's Report

[ID 20-1236](#) City Attorney's Report

The City Attorney offered no comment regarding his written report.

18. Departmental Reports

[ID 20-1235](#) Monthly Departmental Reports

No questions were raised regarding the Departmental Reports.

19. Citizens' Comments

Ms. Christine Dowell (Biscayne Way) cited past and recent reports and citizen actions related to short-term vacation rentals in residential areas on and off the Island, and she asked the Council to do a better job of protecting residential property owners from unruly tenants and insensitive rental property owners.

Mr. Ken Honecker (Dorando Ct.) indicated his hope that the City would undertake the responsibility to maintain all of the residential sidewalks on the Island, and he shared several observations regarding rental housing on the Island from his experience as a City Councilor.

20. Adjournment

There being no further business before the Council, Chair Grifoni adjourned the meeting at 7:36 P.M.

Jared Grifoni, Council Chair

ATTEST:

Laura Litzan, City Clerk

PREPARED BY:

Jim Kornas, Recording Specialist